

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JAMES ROWE, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

UNICARE LIFE AND HEALTH
INSURANCE COMPANY, and WELLPOINT,
INC., both Indiana Corporations,

Defendants.

Case No. 09 CV 2286

Judge William J. Hibbler

**DEFENDANT'S MOTION TO DISMISS UNDER
FEDERAL RULE OF CIVIL PROCEDURE 12(B)(6)**

Defendants Unicare Life and Health Insurance Company and Wellpoint, Inc., by their undersigned attorneys, and pursuant to Federal Rule of Civil Procedure 12(b)(6), respectfully request that the Court dismiss the Complaint brought by Plaintiff James Rowe. In support of its Motion, Defendant has filed the accompanying Memorandum in Support.

WHEREFORE, for the reasons presented in the accompanying Memorandum in Support, Defendants Unicare Life and Health Insurance Company and Wellpoint, Inc., LLC, respectfully request that the Court dismiss Plaintiff's Complaint, and grant such further and additional relief as this Court deems just and proper.

Dated: May 22, 2009

Respectfully submitted,

UNICARE LIFE AND HEALTH
INSURANCE COMPANY, and
WELLPOINT, INC., *Defendants*

By: /s/ Marina C. Santini

One of their attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2009, I electronically filed the foregoing **DEFENDANT'S MOTION TO DISMISS UNDER FEDERAL RULE OF CIVIL PROCEDURE 12(B)(6)** with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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Additionally, the foregoing was served via electronic mail upon the following:

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